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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
06/236,397	02/20/81	HOEFLER	M PD23600A

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EXAMINER	
TURNIPSEED, J	
ART UNIT	PAPER NUMBER
122	4

DATE MAILED:

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

MAILED 

OCT 15 1981

This application has been examined.  Responsive to communication filed on \_\_\_\_\_  This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 30 days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

GROUP 120

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1.  Notice of References Cited by Examiner, PTO-892
2.  Notice of Informal Patent Drawing, PTO-948
3.  Notice of References Cited by Applicant, PTO-1449
4.  Notice of Informal Patent Application, Form PTO-152

5.

Part II SUMMARY OF ACTION

1.  Claims 1 - 14 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2.  Claims \_\_\_\_\_ have been cancelled.

3.  Claims \_\_\_\_\_ are allowed.

4.  Claims 1 - 14 are rejected.

5.  Claims \_\_\_\_\_ are objected to.

6.  Claims \_\_\_\_\_ are subject to restriction or election requirement.

7.  The formal drawings filed on \_\_\_\_\_ are acceptable.

8.  The drawing correction request filed on \_\_\_\_\_ has been  approved.  disapproved.

9.  Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has

been received.  not been received.  been filed in parent application, serial no. \_\_\_\_\_

filed on \_\_\_\_\_.

10.  Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

11.  Other

Art Unit 122

The references cited and supplied by applicants have been made of record.

Copies of references A and I, page 1 of PTO Form 892, and reference G, H and M at page 2 of PTO Form 892 are cited and supplied in applicants' copending parent application S.N. 193,767. Therefore, no additional copies of said references are supplied.

*withdrawn*  
*never abandoned*

Claims 1-14 are rejected under 35 USC 101 on the grounds of double patenting of applicant's claims 1-10 in applicant's prior U.S. Application Serial No. 193,767, filed October 3, 1980. Applicants are required to cancel the duplicate claims in one of the applications.

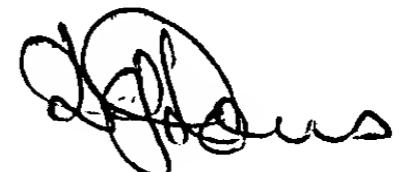
Claims 1 and 12-14 are rejected under 35 USC 112, second paragraph as being indefinite. The term "contain" is open-ended and renders the claims readable on compounds having more than 4 carbon atoms in the "lower alkyl substituent". The term "has" is suggested. The term "aralkyl" is indefinite as to the maximum number of carbon atoms and structural configuration. There is no proportion of ingredients recited in composition claim 14.<sup>13</sup>

Art Unit 122

Claim 12 is rejected under 35 USC 103 as being obvious from Okamoto, et al. Although, the invention is not identically disclosed or described as set forth in section 102 of this title, the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Note particularly, columns 9, 10 and 12. The instantly claimed process would be obvious to one of ordinary skill in the art.

Claims 1-14 are rejected.



Donald G. Daus  
Supervisory Patent Examiner  
Art Unit 122

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A/C 703

557-3032

10/07/81